

1 EDMUND G. BROWN JR., Attorney General  
of the State of California

2 ARTHUR D. TAGGART

Supervising Deputy Attorney General

3 ROBERT B. MILLER, State Bar No. 57819

Deputy Attorney General

4 California Department of Justice

1300 I Street, Suite 125

5 P.O. Box 944255

Sacramento, CA 94244-2550

6 Telephone: (916) 322-0253

Facsimile: (916) 327-8643

7 Attorneys for Complainant

9 **BEFORE THE**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/08-03

13 **HEAUSERS PLAZA TIRE CO., INC., dba**  
14 **HEAUSER PLAZA TIRE & AUTO SERVICE**

531 Searls Avenue

Nevada City, California 95959-3003

15 **MARK HEAUSER, PRES.**

16 Automotive Repair Dealer Registration

No. AA 061817

17 Smog Check Station License No. RA 061817

18 and

19 **DANIEL PATRICK OLSON**

13256 Long Valley Road

20 Penn Valley, California 95946

21 Basic Area Technician License No. EB 149155

22 Respondents.

**ACCUSATION AGAINST**  
**RESPONDENTS HEAUSER AND**  
**OLSON**

**PETITION TO REVOKE**  
**PROBATION AGAINST**  
**RESPONDENT HEAUSER ONLY**

24 Sherry Mehl ("Complainant") alleges:

25 **PARTIES**

26 1. Complainant brings this Accusation solely in her official capacity as the  
27 Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

28 ///

1                   **Automotive Repair Dealer Registration**

2                   2.       On or about January 27, 1978, the Bureau issued Automotive Repair  
3 Dealer Registration No. AA 061817 ("registration") to Heausers Plaza Tire Co., Inc., doing  
4 business as Heuser Plaza Tire & Auto Service ("Respondent Heuser"). The registration was in  
5 full force and effect at all times relevant to the charges brought herein and will expire on  
6 January 31, 2008, unless renewed.

7                   **Smog Check Station License**

8                   3.       On or about May 19, 1993, the Bureau issued Smog Check Station License  
9 No. RA 061817 ("station license") to Respondent. The station license was in full force and  
10 effect at all times relevant to the charges brought herein and will expire on January 31, 2008,  
11 unless renewed.

12                   **Basic Area Technician License**

13                   4.       On or about May 11, 2004, the Bureau issued Basic Area Technician  
14 License No. EB 149155 ("technician license") to Daniel Patrick Olson ("Respondent Olson").  
15 The technician license was in full force and effect at all times relevant to the charges brought  
16 herein and will expire on May 31, 2008, unless renewed.

17                   **PRIOR DISCIPLINARY ACTION**

18                   5.       Pursuant to the Decision and Order in Accusation No. 79/05-10, attached  
19 hereto as **Exhibit "A"** and incorporated herein by reference, effective July 25, 2005, the Director  
20 of Consumer Affairs ("Director") revoked Respondent's Automotive Repair Dealer Registration  
21 No. AA 061817, revocation was stayed, and Respondent was placed on probation for two (2)  
22 years with terms, including Term 1, set forth below. Further, pursuant to said Decision and  
23 Order, Respondent's Smog Check Station License No. RA 061817 was revoked, revocation  
24 stayed and Respondent was placed on probation for three (3) years with terms, including Term 1,  
25 set forth as follows:

26                   **Term 1 - Obey all Laws:** Respondent shall comply with all statutes,  
27 regulations, and rules governing automotive inspections, estimates, and repairs.

28       ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
84

6. Section 9884.7 of the Business and Professions Code ("Code") states, in

(a) The director, where the automotive repair dealer cannot show there

(1) Making or authorizing in any manner or by any means whatever any

(3) Failing or refusing to give to a customer a copy of any document

(4) Any other conduct which constitutes fraud.

(b) Except as provided for in subdivision (c), if an automotive repair

(c) Notwithstanding subdivision (b), the director may refuse to validate, or

7. Code section 9884.13 provides, in pertinent part, that the expiration of a

8. Code section 477 provides, in pertinent part, that “Board” includes

9. Section 44002 of the Health and Safety Code provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

10. Section 44072.2 of the Health and Safety Code states:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:

(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.

(c) Violates any of the regulations adopted by the director pursuant to this chapter.

(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.

11. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

12. Section 44072.8 of the Health and Safety Code states:

“When a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

13. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## ACCUSATION

**UNDERCOVER OPERATION - DECEMBER 8, 2006**

14. On or about December 8, 2006, a Bureau undercover operator using the alias "Jessica Sullivan" ("operator") drove a Bureau documented 2000 Chevrolet Malibu, California License Plate No. 4KUH087, to Respondent Heauser's facility and requested a smog

1 inspection. The vehicle could not pass a smog inspection because the vehicle's air injection  
2 system ("AIR") was missing. The operator signed and received a copy of Work Order No.  
3 3088714. Respondent Olson performed the smog inspection and issued electronic Certificate of  
4 Compliance No. MM675947, certifying that the vehicle was in compliance with all applicable  
5 laws and regulations. In fact, the vehicle could not pass the visual portion of the smog inspection  
6 because the vehicle's AIR system was missing.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Untrue or Misleading Statements)**

9 15. Respondent Heauser has subjected its registration to discipline under Code  
10 section 9884.7, subdivision (a)(1), in that on or about December 8, 2006, it made statements  
11 which it knew or which by exercise of reasonable care it should have known were untrue or  
12 misleading by issuing electronic Certificate of Compliance No. MM675947 for the 2000  
13 Chevrolet Malibu, certifying that it was in compliance with applicable laws and regulations. In  
14 fact, the vehicle could not have passed the visual portion of the smog inspection because its AIR  
15 system was missing.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Fraud)**

18 16. Respondent Heauser has subjected its registration to discipline under Code  
19 section 9884.7, subdivision (a)(4), in that on or about December 8, 2006, it committed acts which  
20 constitute fraud by issuing electronic Certificate of Compliance No. MM675947 for the 2000  
21 Chevrolet Malibu without performing a bona fide inspection of the emission control devices and  
22 systems on the vehicle, thereby depriving the People of the State of California of the protection  
23 afforded by the Motor Vehicle Inspection Program.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Violation of the Motor Vehicle Inspection Program)**

26 17. Respondent Heauser has subjected its station license to discipline under  
27 Health and Safety Code section 44072.2, subdivision (a), in that on or about December 8, 2006,  
28 with regard to the 2000 Chevrolet Malibu, it violated sections of that Code, as follows:

1           a.     **Section 44012, subdivision (f):** Respondent Heauser failed to perform  
2 emission control tests on the vehicle in accordance with procedures prescribed by the department.

3           b.     **Section 44015, subdivision (b):** Respondent Heauser issued electronic  
4 Certificate of Compliance No. MM675947 for the vehicle without properly testing and inspecting  
5 the vehicle to determine if it was in compliance with section 44012 of that Code.

6           c.     **Section 44059:** Respondent willfully made false entries for electronic  
7 Certificate of Compliance No. MM675947 by certifying that the vehicle had been inspected as  
8 required when, in fact, it had not.

9                                   **FOURTH CAUSE FOR DISCIPLINE**

10                   **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

11               18.     Respondent Heauser has subjected its station license to discipline under  
12 Health and Safety Code section 44072.2, subdivision (c), in that on or about December 8, 2006,  
13 regarding the 2000 Chevrolet Malibu, it violated sections of the California Code of Regulations,  
14 title 16, as follows:

15           a.     **Section 3340.24, subdivision (c):** Respondent Heauser falsely or  
16 fraudulently issued electronic Certificate of Compliance No. MM675947 for the vehicle without  
17 performing a bona fide inspection of the emission control devices and systems on the vehicle as  
18 required by Health and Safety Code section 44012.

19           b.     **Section 3340.35, subdivision (c):** Respondent Heauser issued electronic  
20 Certificate of Compliance No. MM675947 for the vehicle even though the vehicle had not been  
21 inspected in accordance with section 3340.42 of that Code.

22           c.     **Section 3340.42:** Respondent Heauser failed to conduct the required  
23 smog tests and inspections of the vehicle in accordance with the Bureau's specifications.

24                                   **FIFTH CAUSE FOR DISCIPLINE**

25                                   **(Dishonesty, Fraud or Deceit)**

26               19.     Respondent Heauser has subjected its station license to discipline under  
27 Health and Safety Code section 44072.2, subdivision (d), in that on or about December 8, 2006,  
28 regarding the 2000 Chevrolet Malibu, it committed acts involving dishonesty, fraud or deceit

1 whereby another was injured by issuing electronic Certificate of Compliance No. MM675947 for  
2 the vehicle when, in fact, the vehicle had not been properly tested and inspected, thereby  
3 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
4 Inspection Program.

5 **SIXTH CAUSE FOR DISCIPLINE**

6 **(Violations of the Motor Vehicle Inspection Program)**

7 20. Respondent Olson has subjected his technician license to discipline under  
8 Health and Safety Code section 44072.2, subdivision (a), in that on or about December 8, 2006,  
9 regarding the 2000 Chevrolet Malibu, he violated sections of that Code, as follows:

10 a. **Section 44012, subdivision (f):** Respondent Olson failed to determine  
11 that all emission control devices and systems required by law were installed and functioning  
12 correctly in accordance with test procedures.

13 b. **Section 44032:** Respondent Olson failed to perform tests of the emission  
14 control devices and systems on the vehicle in accordance with section 44012 of that Code.

15 c. **Section 44059:** Respondent Olson entered false information into the  
16 Emission Inspection System ("EIS") unit by entering "N/A" for the AIR system when in fact, the  
17 AIR system is a required emission control device for this vehicle.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

20 21. Respondent Olson has subjected his technician license to discipline under  
21 Health and Safety Code section 44072.2, subdivision (c), in that on or about December 8, 2006,  
22 regarding the 2000 Chevrolet Malibu, he violated sections of the California Code of Regulations,  
23 title 16, as follows:

24 a. **Section 3340.30, subdivision (a):** Respondent Olson failed to inspect  
25 and test the vehicle in accordance with Health and Safety Code section 44012.

26 b. **Section 3340.41, subdivision (c):** Respondent Olson entered false  
27 information into the EIS unit by entering "N/A" for the AIR system when in fact, the AIR system  
28 is a required emission control device for this vehicle.

1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 22. Respondent Olson has subjected his technician license to discipline under  
4 Health and Safety Code section 44072.2, subdivision (d), in that on or about December 8, 2006,  
5 he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
6 electronic Certificate of Compliance No. MM675947 for the 2000 Chevrolet Malibu without  
7 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
8 thereby depriving the People of the State of California of the protection afforded by the Motor  
9 Vehicle Inspection Program.

10 **UNDERCOVER OPERATION - DECEMBER 27, 2006**

11 23. On or about December 27, 2006, a Bureau undercover operator using the  
12 alias "Lester McCoy" ("operator") drove a Bureau documented 1994 Ford Ranger, California  
13 License Plate No. 5B57772, to Respondent Heauser's facility and requested a smog inspection.  
14 The vehicle could not pass a smog inspection because the vehicle's positive crankcase ventilation  
15 system ("PCV") was missing. The operator signed and received a copy of Work Order No.  
16 3089224. Respondent Olson performed the smog inspection and issued electronic Certificate of  
17 Compliance No. MO063718, certifying that the vehicle was in compliance with all applicable  
18 laws and regulations. In fact, the vehicle could not pass the visual portion of the smog inspection  
19 because the vehicle's PCV system was missing.

20 **NINTH CAUSE FOR DISCIPLINE**

21 **(Untrue or Misleading Statements)**

22 24. Respondent Heauser has subjected its registration to discipline under Code  
23 section 9884.7, subdivision (a)(1), in that on or about December 27, 2006, it made statements  
24 which it knew or which by exercise of reasonable care it should have known were untrue or  
25 misleading by issuing electronic Certificate of Compliance No. MO063718 for the 1994 Ford  
26 Ranger, certifying that it was in compliance with applicable laws and regulations when, in fact,  
27 the vehicle could not have passed the smog inspection because its PCV system was missing.

28 ///





1                   a.     **Section 3340.24, subdivision (c):** Respondent Heauser falsely or  
2 fraudulently issued electronic Certificate of Compliance No. MO063718 for the vehicle without  
3 performing a bona fide inspection of the emission control devices and systems on the vehicle as  
4 required by Health and Safety Code section 44012.

5                   b.     **Section 3340.35, subdivision (c):** Respondent Heauser issued electronic  
6 Certificate of Compliance No. MO063718 for the vehicle even though the vehicle had not been  
7 inspected in accordance with section 3340.42 of that Code.

8                   c.     **Section 3340.42:** Respondent Heauser failed to conduct the required  
9 smog tests and inspections of the vehicle in accordance with the Bureau's specifications.

10                                   **THIRTEENTH CAUSE FOR DISCIPLINE**

11   **(Dishonesty, Fraud or Deceit)**

12                   28.     Respondent Heauser has subjected its station license to discipline under  
13 Health and Safety Code section 44072.2, subdivision (d), in that on or about December 27, 2006,  
14 regarding the 1994 Ford Ranger, it committed acts involving dishonesty, fraud or deceit whereby  
15 another was injured by issuing electronic Certificate of Compliance No. MO063718 for the  
16 vehicle when, in fact, the vehicle had not been properly tested and inspected, thereby depriving  
17 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
18 Program.

19                                   **FOURTEENTH CAUSE FOR DISCIPLINE**

20   **(Violations of the Motor Vehicle Inspection Program)**

21                   29.     Respondent Olson has subjected his technician license to discipline under  
22 Health and Safety Code section 44072.2, subdivision (a), in that on or about December 27, 2006,  
23 regarding the 1994 Ford Ranger, he violated sections of that Code, as follows:

24                   a.     **Section 44012, subdivision (f):** Respondent Olson failed to determine  
25 that all emission control devices and systems required by law were installed and functioning  
26 correctly in accordance with test procedures.

27                   b.     **Section 44032:** Respondent Olson failed to perform tests of the emission  
28 control devices and systems on the vehicle in accordance with section 44012 of that Code.

1 c. **Section 44059:** Respondent Olson entered false information into the EIS  
2 unit by entering "Pass" for the PCV system when in fact, the vehicle could not have passed the  
3 visual portion of the smog inspection because the PCV system was missing from the vehicle.

4 **FIFTEENTH CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

6 30. Respondent Olson has subjected his technician license to discipline under  
7 Health and Safety Code section 44072.2, subdivision (c), in that on or about December 27, 2006,  
8 regarding the 1994 Ford Range, he violated sections of the California Code of Regulations, title  
9 16, as follows:

10 a. **Section 3340.30, subdivision (a):** Respondent Olson failed to inspect  
11 and test the vehicle in accordance with Health and Safety Code section 44012.

12 b. **Section 3340.41, subdivision (c):** Respondent Olson entered false  
13 information into the EIS unit by entering "Pass" for the PCV system when, in fact, the vehicle  
14 could not have passed the visual portion of the smog inspection because the PCV system was  
15 missing from the vehicle.

16 **SIXTEENTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty, Fraud or Deceit)**

18 31. Respondent Olson has subjected his technician license to discipline under  
19 Health and Safety Code section 44072.2, subdivision (d), in that on or about December 27, 2006,  
20 he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
21 electronic Certificate of Compliance No. MO063718 for the 1994 Ford Ranger without  
22 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
23 thereby depriving the People of the State of California of the protection afforded by the Motor  
24 Vehicle Inspection Program.

25 **PETITION TO REVOKE PROBATION**

26 32. The allegations of paragraphs 1 through 31 of the accusation above are  
27 incorporated herein by reference as though fully set forth and are realleged.

28 ///

33. Grounds exist to revoke the probation and reimpose the order of revocation of Respondent Heauser's Automotive Repair Dealer Registration No. AA 061817 and Smog Check Station License No. RA 061817, in that Respondent Heauser failed to comply with all statutes, regulations, and rules governing estimates and inspections as required by Term 1 of the terms of its probation under Decision and Order No. 79/05-10, as set forth in paragraphs 14 through 31 of the accusation above.

## OTHER MATTERS

34. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily or permanently, the registrations for all places of business operated in this state by Heauser's Plaza Tire Co., Inc., dba Heauser Plaza Tire & Auto Service, upon a finding that it has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

35. Under section 44072.8 of the Health and Safety Code, if Smog Check Station License No. RA 061817, issued to Heauser's Plaza Tire Co., Inc., dba Heauser Plaza Tire & Auto Service is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

36. Under section 44072.8 of the Health and Safety Code, if Basic Area Technician License No. EB 149155, issued to Daniel Patrick Olson is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

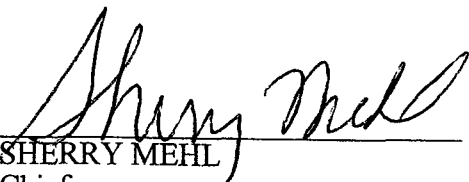
1. Vacating the stay and reimposing the order of revocation of Automotive Repair Dealer Registration No. AA 061817, issued to Heauser's Plaza Tire Co., Inc., dba Heauser Plaza Tire & Auto Service;

///

///

- 1                   2.       Temporarily or permanently invalidating any other automotive repair  
2 dealer registration issued in the name of Heauser's Plaza Tire Co., Inc., dba Heauser Plaza Tire &  
3 Auto Service;
- 4                   3.       Vacating the stay and reimposing the order of revocation of Smog Check  
5 Station License No. RA 061817, issued to Heauser's Plaza Tire Co., Inc., dba Heauser Plaza Tire  
6 & Auto Service;
- 7                   4.       Revoking or suspending any other license issued under this chapter in the  
8 name of Heauser's Plaza Tire Co., Inc., dba Heauser Plaza Tire & Auto Service;
- 9                   5.       Revoking or suspending Basic Area Technician License No. EB 149155,  
10 issued to Daniel Patrick Olson;
- 11                  6.       Revoking or suspending any other license issued under this chapter in the  
12 name of Daniel Patrick Olson;
- 13                  7.       Ordering Heauser's Plaza Tire Co., Inc., dba Heauser Plaza Tire & Auto  
14 Service and Daniel Patrick Olson to pay the Bureau of Automotive Repair the reasonable costs of  
15 the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 16                  8.       Taking such other and further action as deemed necessary and proper.

17  
18 DATED: 7-16-07

19  
20  
21   
22 SHERRY MEHL  
23 Chief  
24 Bureau of Automotive Repair  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant